



# CITY OF MEMPHIS

## COUNCIL AGENDA

January 12, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (December 15, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION commending Anaya Suggs whose heroic actions saved the lives of her family members. (Held from 12/15/09).

Hedgepeth

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Mr. Jim Ethridge on his nomination into the Tennessee Aeronautical Hall of Fame.

Conrad

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

3. RESOLUTION approving a planned development located on the east side of Riverdale Road; +/-395.66 feet north of Holmes Road, containing 0.74 acre (32,234 sq. ft.) and is currently governed by Villages of Bennington Planned Development, 2<sup>nd</sup> Amendment (P.D. 02-332cc).

Morrison

Case No. PD 09-323cc

Applicant: Arnett CarWash, LLC  
Prime Development Group, Inc. – Representative

Request: Plan amendment to allow outdoor vending for an ice house facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**30 NOTICES MAILED ON DECEMBER 31, 2009**

4. RESOLUTION approving a planned development located on the south side of Faxon Avenue; +/-472.60 feet east of National Street, containing 0.229 acre in the Duplex Residential (R-D) District.

Morrison

Case No. UV 09-06

Applicant: Mid-South Outlet Store/Dee Bradford, Terry Neuenschwander  
Bill Fuller – Representative

Request: A use variance for a new parking lot to serve 3432 Summer Ave.

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**65 NOTICES MAILED ON DECEMBER 31, 2009**

**DIVISION OF PLANNING & DEVELOPMENT**

5. RESOLUTION approving a special use permit located on the southeast corner of Mallory Avenue and Lauderdale Street, containing 0.34 acre in the Local Commercial (C-L) District.

Morrison

Case No. SUP 09-209

Applicant: Kalid Ibrahim and Salah Abdilahi  
Brenda Solomito, Solomito Land Planning – Representative

Request: Motor Vehicle Service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6. RESOLUTION approving a use variance located on the south side of Broad Street, 195 feet east of Lipford Street, containing 0.63 acre in the Single Family Residential Infill (R-S6I) District.

Morrison

Case No. UV 09-07

Applicant: Christ Community Health Services, Inc.  
Fisher & Arnold, Inc. – Representative

Request: A use variance to permit parking within the R-S6I Zoning District located behind the existing building at 2953 Broad Avenue to serve a proposed medical clinic

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCES – THIRD AND FINAL READING**

7. **ORDINANCE** rezoning the southwest corner of Shelby Drive and Riverdale Road, containing +1.75 acres in the Multiple Dwelling Residential (R-ML) District, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5339  
Case No. Z 09-105

Applicant: Capleville United Methodist Church  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned Commercial (C-P) with a site plan for a CVS Pharmacy

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**26 NOTICES MAILED ON DECEMBER 31, 2009**

8. **ORDINANCE** to amend the text of the Zoning Ordinance. The following item was heard and unanimously approved by the Land Use Control Board on November 12, 2009, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5340  
Case No. ZTA 09-002cc

Request: Amend the Memphis and Shelby County Zoning Ordinance Regulations as follows:

1. Amend Appendix A, Zoning Section 2 to add new definitions for “Family Recreation Center” and “Park”.
2. Amend Chart I, Footnote 18, requiring adult entertainment to be located a minimum distance of 1,500 feet from certain identified uses to add “Family Recreation Center” as one of the identified uses.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCE - SECOND READING

9. **TECHNICAL CORRECTION ORDINANCE** for clerical errors on ordinances previously passed and signed, but not yet codified as follows: Ordinance No. 5223, Sell of Beer off Premises, Ordinance No. 5317, Inspection of Motor Vehicles and Ordinance No. 5327, Board of Ethics Membership Requirements, up for S E C O N D reading.
- Collins Ordinance No. 5343

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

10. **ORDINANCE** rezoning the northwest corner of North Bellevue and Smith Avenue, containing 0.26(11,325.60 sq. ft.) in the Local Commercial (C-L) District, up for S E C O N D reading.
- Morrison Ordinance No. 5342  
Case No. Z 09-107

Applicant: Wolf River Site Development, LLC

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

### ENGINEERING

11. **RESOLUTION** accepting THOMAS COUNTRY P.D., PHASE 1, AREA B and authorizing release of bond.
- Case No. PD 06-348  
(Contract No. CR-5098)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Houston Levee at Pisgah Road. The standard improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the performance bond in the amount of \$866,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

12. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. UV 09-05

Located on the northwest corner of Lamar Avenue and Central Avenue, containing 2.1 acres in the Highway Commercial (C-H) District

Applicant: Memphis Housing, LLC (Tony Crosby and Joe Harris)  
SR Consulting (Cindy Reaves) - Representative

Request: A use variance for an Assisted Living Facility

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. S 09-012 – Fairway Subdivision

Located on the west terminus of Fairway Avenue, 1,300 feet west of Horn Lake Road

Applicant/Appellant: Southern Housing Company

Request: Overturn the decision of the Land Use Control Board on November 12, 2009 which rejected a subdivision plan for 156 lots for single family homes

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL

C. Case No. S 09-013 – Gaskell Industrial Subdivision, Resubdivision of Lot 3

Located on the east side of Old Getwell Road, 256 feet south of Premier Avenue

Applicant/Appellant: Ronald Anglin

Request: Overturn the decision of the Land Use Control Board on November 12, 2009 which requires the applicant to install curb, gutter, sidewalk and landscaping on the Old Getwell Road frontage of the proposed subdivision and install sidewalk on the New Getwell Road frontage of the proposed subdivision

LUCB and OPD recommendation: Deny a variance to the improvements

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: January 26, 2010**



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### MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11314, Armored Car Services, to Loomis Armored US, Inc. in the funded amount of \$432,686.80.
14. RESOLUTION awarding Contract No. 11381, Janitorial Services, to Kimco Corporation, Inc. in the funded amount of \$3,650,340.00.
15. RESOLUTION approving Change No. 4 to Contract No. 11193, Janitorial Services, with Kimco Corporation, Inc. in the funded amount of \$212,936.00. (This change renews the contract for the third of four renewal terms, February 28, 2010 to March 1, 2011, with no increase in rates from the previous year).
16. RESOLUTION approving Change No. 4 to Contract No. 11097, Grounds and Landscaping Services, with Environmental Landscape in the funded amount of \$77,844.00. (This change renews the contract for the fourth and final renewal term, April 5, 2010 to April 4, 2011, with no increase in rates from the previous year).
17. RESOLUTION approving Change No. 3 to Contract No. 11190, Mowing – Grounds Maintenance Well Lots, with Bean & Prince Contractors, Inc. in the funded amount of \$7,118.14, for a total contract value of \$185,271.27. (This change renews the contract for the third of four renewal terms, May 17, 2010 to May 16, 2011, with no increase in rates from the previous year).
18. RESOLUTION approving Change No. 2 to Contract No. 11258, Grounds Maintenance, with Bean & Prince Contractors, Inc. in the funded amount of \$617,752.45. (This change renews the contract for the second of four renewal terms, May 16, 2009 to May 15, 2010, with no increase in rates from the previous year).
19. RESOLUTION approving Change No. 1 to Contract No. 11185, Environmental Consulting Services, with Center for Toxicology and Environmental Health in the funded amount of \$175,000.00. (This change renews the contract for the first of four renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates).

20. RESOLUTION approving Change No. 2 to Contract No. 11070, Utility Meter Data Application, with Automated Energy, Inc. (AEI) in the funded amount of \$36,000.00. (This change covers a one-year extension, January 1, 2010 to December 31, 2010, to provide the web-based meter data analysis product known as “Load Profiler” (“Meter Intelligence”).
21. RESOLUTION awarding 24-month contracts for electric meters as follows:
- |                                      |                       |
|--------------------------------------|-----------------------|
| Landis & Gyr c/o Stuart C. Irby..... | \$773,160.00          |
| H D Supply Company.....              | <u>278,375.00</u>     |
| Total.....                           | <u>\$1,051,535.00</u> |
22. RESOLUTION approving Change No. 2 to Contract No. 11134, Integrator Service for Arlington and Capleville LNG Plants, with Logical Systems, Inc. in the funded amount of \$15,000.00, for a new contract value of \$56,550.00. (This change renews the contract for the second of four renewal terms, January 21, 2010 to January 20, 2011, with no increase in rates from the previous year).
23. RESOLUTION approving Change No. 7 to Contract No. 10765, Private Label Service Agreement, with Aclara Software in the funded amount of \$1,803,223.00. (This change renews the contract for the period January 1, 2010 to December 31, 2014, and also adds My Account web tools for larger commercial customers currently not served by existing applications as well as the customization and implementation of a web-based dashboard tool that will enable larger commercial customers to access additional resources under My Account. This contract will automatically be extended for an additional 12-month period unless either party provides 30-day written notice of a desire not to extend the term).
24. RESOLUTION approving Change No. 4 to Contract No. 11109, Systems Furniture, with Corporate Express & Staples Company in the funded amount of \$249,758.00. (This change renews the contract for the third of four renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates).
25. RESOLUTION approving continued participation in and payment of annual membership dues to Tennessee One-Call System, Inc. in the amount of \$79,314.29.
26. RESOLUTION approving payment of revised membership fees accrued in 2008 to Operations Technology Development in the amount of \$26,529.00.





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## REGULAR AGENDA

### GENERAL ORDINANCES -THIRD AND FINAL READING

27. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3; 11/17; 12/1; 12/15)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18; 9/1; 9/15; 12/1)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** to amend Chapter 25, Section 15-181 so as to revise and clarify sections of the pension and retirement plan, up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5341

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

30. RESOLUTION amending the FY2010 Capital Improvement Budget by transferring an allocation of \$67,352.00 funded by Sewer Revenue Bonds from Miscellaneous Subdivision Outfall, Project Number SW01001 to Summer Raleigh S/D SW Extension, Project Number SW01030. Resolution also appropriates \$67,352.00 funded by Sewer Revenue Bonds for Summer Raleigh S/D SW Extension, Project Number SW01030 for a construction contract with Roy Holmes Construction.

Boyd

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

31. RESOLUTION commending four Tennessee Titans Mr. Football Award winners from Memphis, including Anthony Hayes of White Station High School, Johnathan Brown of Christian Brothers High School, Steven Stafford of Evangelical Christian School in Cordova and Barry Brunetti of Memphis University School.

Collins

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION honoring the mission of Friends for Life and the positive impact it has on those living with HIV/AIDS.

Fullilove

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION honoring the life of John Shelton Wilder.

Flinn

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION authorizing the application to the federal Foreign-Trade Zones Board for Foreign-Trade subzone status for Delta Faucet Company of Tennessee ("Delta Faucet") in Jackson, Tennessee.

Conrad

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION reallocating and appropriating \$1,623,550.00 funding from FY2010 CIP Budget for Memphis Animal Shelter, Project Number PS01010, to establish funding to implement Phase I of the beautification of the Memphis International Airport Perimeter, Project Number CD1082.

Conrad &  
Brown

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving the employment of Mr. Von W. Goodloe as Vice President, Human Resources of Memphis Light, Gas and Water Division at an annual salary of \$144,019.20.

Fullilove

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Held until January 26, 2010
2. & 3 – Approved
4. Held until January 26, 2010
5. & 6 – Approved
7. & 8 – Approved, as amended
9. Through 11 – Approved
12. Public Hearing Set for January 26, 2010
13. Through 20 – Approved
21. Sent Back to Committee on January 26, 2010
22. Through 26 – Approved
27. Dropped from the Agenda
28. Held until January 26, 2010
29. Through 31 – Approved
32. & 33 – Held until January 26, 2010
34. Through 36 – Approved

**ACTION TAKEN ON THE MINUTES OF DECEMBER 15<sup>TH</sup> & DECEMBER 16<sup>TH</sup>, 2009**  
**MEETINGS**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #34, #35 & #36 FROM TONIGHT'S**  
**MEETING**

Approved